

LICENSING COMMITTEE INFORMATION SHEET

6 September 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: JAMES LAWRIE

ADDRESS: 8 ORCHARD ROAD, ABERDEEN

AGENT: GERAGHTY-GIBB PROPERTY MANAGEMENT

INFORMATION NOTE

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that the work & certification requirements to bring the property up to the current HMO standard has not been completed. The meeting of the Licensing Committee on 6 September 2022, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the property is still unsuitable for occupation as an HMO by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 6 September 2022. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The property at No.8 Orchard Road, Aberdeen, is a mid-terraced, 3-storey house, providing accommodation of 4 letting bedrooms (one en-suite), dining-kitchen, drying-room & shower-room. The applicant has requested an occupancy of 4 tenants, which is acceptable in terms of space and layout.

CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building for the 21-day statutory period, alerting the general public to the HMO licence application.

OBJECTIONS/REPRESENTATIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – no objections

COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:
'Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'

GROUNDS FOR REFUSAL

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
 - i) Its location
 - ii) Its condition
 - iii) Any amenities it contains
 - iv) The type & number of persons likely to occupy it
 - v) Whether any rooms within it have been subdivided
 - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
 - vii) The safety & security of persons likely to occupy it
 - viii) The possibility of undue public nuisance

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and his registration includes No.8 Orchard Road.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.8 Orchard Road.
- The extent of the above-mentioned work & certification requirements is as follows:
 - 1) All faulty or missing lightbulbs to be replaced immediately and lightshades fitted to pendant fittings where there are bare lightbulbs.
 - 2) The tenant of bedroom 4 reported an incident of insects entering the room via the light fittings. This must be investigated and the existing light-fittings to be replaced with new close-fitting lights.
 - 3) CO detectors to be installed in rooms which contain gas appliances and/or gas flues.
 - 4) All self-closing doors to be checked and adjusted to ensure that they fully close against their stops and latch. Particular attention to be paid to the doors to the bathroom, lounge & bedroom 3.
 - 5) The door leading into the basement area must re-fitted into the door frame and an appropriate lock fitted to secure the basement area.

- 6) All windows to be checked and adjusted as necessary to ensure that they easily open for ventilation. Particular attention to be paid to the windows in bedroom 2 and bedroom 3.
- 7) The failed double-glazing units in the windows of the lounge, bedroom 1 & bedroom 3 to be replaced.
- 8) The water damage to the ceilings in bedroom 3 and the ensuites to be made good and the ceilings redecorated.
- 9) The overgrown hedge in the front garden to be cut back.
- 10) The housekeeping throughout must be addressed and improved.
- 11) The following documentation to be submitted for inspection:
 - Notice of HMO Application – Certificate of Compliance
 - Gas Safe certificate
 - Copy of Private Residential Tenancy (PRT) Agreement